



Washington State
Department of Transportation

SR 520 Bridge Replacement and HOV Program

Medina to SR 202: Eastside Transit and HOV Project



Request for Qualifications

SR 520 Eastside Transit and HOV Project

ISSUE DATE: April 12, 2010

STATEMENTS OF QUALIFICATIONS

DUE DATE: May 20, 2010



Washington State
Department of Transportation

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State of Washington
Department of Transportation

Request for Qualifications for
SR 520 Eastside Transit and HOV Project

1.0 Introduction

The Washington State Department of Transportation (WSDOT) is soliciting Statements of Qualification (SOQ) from entities (“Submitters”) interested in submitting Proposals for the SR 520 Eastside Transit and HOV Project.

The estimated value of the Project is approximately \$325,000,000 to \$425,000,000, and is being funded by the Federal Highway Administration (FHWA) and the State of Washington.

By submitting an SOQ, Submitters agree to be bound by the requirements outlined in this Request for Qualifications (RFQ).

Persons with disabilities may request information contained within this RFQ to be prepared and supplied in alternate formats by calling collect 206-389-2839. Persons with hearing impairments may call 1-800- 833-6388 (Washington State Telecommunications Relay Service) and ask for 206-515-3683.

2.0 Procurement Process

WSDOT will use a two-step procurement process to select a Submitter to deliver the Project. The issuance of this RFQ is part of the first step to solicit information from interested Submitters in the form of an SOQ. WSDOT will evaluate and score submitted SOQs to determine the most highly qualified Submitters to successfully deliver the Project. The evaluation and scoring process to be used for this Project is detailed in Section 7 of this RFQ. It is WSDOT’s goal to short-list the three (3) most highly qualified Submitters to continue to the second step of the process.

In the second step, WSDOT will issue a Request for Proposal for the Project to the short-listed Submitters. Only short-listed Submitters will be eligible to submit proposals for the Project. Each short-listed Submitter that submits a proposal in response to the RFP is referred to herein as a “Proposer.” WSDOT will pay a stipend to all non-successful Proposers that submit a responsive proposal. The stipend for this project will be \$1,000,000.

WSDOT may cancel or re-advertise this procurement, including rejecting any submitted statements or proposals, at its discretion at any time in the process.

2.1 Procurement Schedule

WSDOT anticipates the following procurement milestone dates. This schedule is subject to revision by addenda to this RFQ, by the RFP, or by addenda to the RFP.

Table 1– Procurement Schedule

Action	Dates
Step 1 – SOQ Phase	
RFQ issued	April 12, 2010
Voluntary meeting for Submitters	April 21, 2010
Deadline for submitting RFQ questions	May 6, 2010
Deadline for WSDOT response to RFQ questions	May 13, 2010
SOQ due	May 20, 2010
Short-listed Submitters teams notified	June 11, 2010
Step 2 – Proposal Phase	
Draft RFP issued	May 21, 2010**
RFP issued*	June 14, 2010**
Voluntary RFP meeting*	June 23, 2010**
Deadline for submitting Proposers' questions*	August 25, 2010**
Deadline for submitting Proposers' ATC's*	August 25, 2010**
Deadline for WSDOT response to Proposers' questions*	September 8, 2010**
Proposals Due*	September 16, 2010**
Best Value Proposer announced *	October 13, 2010**
Contract awarded	October 25, 2010**

*Short-listed teams only

**Dates may change

2.2 Contact Information

2.2.1 Submittal Information Point of Contact

Submitters shall provide the WSDOT Contract Ad & Award Office with the name, address, phone number, fax number, and e-mail address of its Single Point of Contact (Contact Person). WSDOT will distribute addenda and other communications directly to the Submitter's identified Contact Person. This information will also be posted on the WSDOT website. The Submitter Contact Person is responsible for distributing copies of addenda and other RFQ related communications within their team. Any questions regarding non-technical information shall be submitted to Mr. Dave Mariman at WSDOT using the following address:

Dave Mariman
 Contract Ad & Award Office
 Washington State Department of Transportation

P.O. Box 47360
Olympia, WA 98504-7360
Phone: (360) 705-7017
MarimaD@wsdot.wa.gov

All technical clarifications or questions shall be addressed as designated in Section 2.2.2 below.

2.2.2 WSDOT Technical Point of Contact

Submitters who have questions or need further clarification or information regarding the technical aspects of the Project only should contact the following designated WSDOT Project Engineer by letter, phone, or e-mail as follows:

David L. Edwards, P.E.
Washington State Department of Transportation
600 Stewart Street, Suite 520
Seattle, WA 98101
Phone: (206) 770-3530
EdwardD@wsdot.wa.gov

All non-technical clarifications or questions shall be addressed as designated in Section 2.2.1 above.

2.3 Questions, Clarifications and Addenda

Questions and requests for clarification regarding this RFQ shall be submitted in writing to the WSDOT contact person as described above in Section 2.2.1. To be considered, all questions and requests must be received by **4:00 p.m., Pacific Time**, on the date indicated on Table 1 in Section 2.1.

WSDOT reserves the right to revise this RFQ at any time before the SOQ due date. Such revisions, if any, will be announced by addenda to this RFQ.

WSDOT will use the following guidelines when responding to questions and requests for clarification and issuing addenda:

- Questions and requests for clarification will be posted by the close of business on the day after they are received on the WSDOT Contract Ad & Award Office website at <http://www.wsdot.wa.gov/biz/contaa/>
- WSDOT will answer questions and requests for clarification by posting a response on its Contract Ad & Award Office website no later than the date shown in Table 1.
- WSDOT will send an e-mail notification to the Contact Person for each Submitter as soon as each addendum, response, or group of responses is issued. The notification will include an electronic copy of the addendum or clarification whenever possible.

The Submitters shall acknowledge receipt of all addenda and question responses by completing Form A, Acknowledgment of Receipt of Addenda, which is included as Appendix A of this RFQ, and submitting the completed Form A as Appendix A within the SOQ submittal package.

2.4 Ex Parte Communications

Submitters are expected to conduct themselves with professional integrity and to refrain from lobbying activities. Commencing with the issuance of this RFQ and continuing until award of a contract for the Project (or cancellation of the procurement), no employee, member, agent, or advisor of any Submitter shall have any ex parte communications, directly or indirectly,

regarding this procurement with any representative of WSDOT, including their staff, advisors, contractors or consultants (as noted in Section 4.2) involved with the procurement, except for communications expressly permitted by this RFQ (or, subsequent to issuance of the RFP, except for communications expressly permitted by the RFP).

Any verified allegation that a Submitter, Submitter team member, an employee, agent, advisor or consultant of a Submitter or Submitter team member has engaged in such prohibited communications or attempted to unduly influence the selection process may be cause for WSDOT to disqualify the Submitter or to disqualify the Submitter team member from participating with the Submitter team, all at the sole discretion of WSDOT's contact person.

2.5 Voluntary Meeting for Potential Submitters

WSDOT will hold an informational meeting for Submitters interested in responding to this RFQ. Attendance at this meeting is not mandatory and is not a prerequisite to being a Submitter for this Project. The meeting will be held on the date specified in Table 1 in Section 2.1, from **2:00 p.m. to 4:00 p.m., Pacific Time**, at the following location:

Seattle Central Library
Microsoft Auditorium (Level One)
1000 Fourth Avenue
Seattle, WA 98104

2.6 WSDOT's Rights

Throughout the procurement process, WSDOT reserves the right, at its sole discretion, to:

- Appoint evaluation committees to review SOQs and Proposals;
- Investigate the qualifications of any Submitter or Proposer;
- Seek or obtain data from any source related to the SOQs or Proposals;
- Require confirmation of information furnished by a Submitter or Proposer;
- Hold meetings and conduct discussions and correspondence with the Submitters and Proposers to seek an improved understanding and evaluation of the SOQs or Proposals;
- Require additional information from a Submitter or Proposer concerning its SOQ or Proposal;
- Seek and receive clarifications to a SOQ or Proposal;
- Require additional evidence of qualifications to perform the work;
- Modify the procurement process;
- Waive minor deficiencies and irregularities in a SOQ or Proposal;
- Reject any or all of the SOQs or Proposals;
- Issue a new RFQ or RFP;
- Issue a request for Best and Final Offers;
- Conduct negotiations with the Apparent Best Value Proposer prior to award of the Contract;

- Cancel a Contract signed by the selected Design-Builder but not yet executed by WSDOT; and
- Not issue a Notice to Proceed after execution of the Contract.

2.7 WSDOT Core Values and Project Goals

It is WSDOT's expectation that the Design-Builder will design and construct the Project in consideration of WSDOT's Core Values and Project Goals.

WSDOT's Core Values are as follows:

- Safety;
- Accountability (on time, on budget, quality products and services);
- Effective and Transparent Communication; and
- Disadvantaged Business Enterprise (DBE) Contractor Participation.

With the above Core Values in mind, WSDOT has established the following Project Goals for the successful Design-Builder:

- **Project Infrastructure** - Provide maximum amount of effective multi-modal infrastructure within project limits and for the funds available. All new infrastructure should seamlessly connect at project limits and allow maximum capacity improvements.
- **On Time & Within Budget** – Achieve schedule milestones and leverage opportunities for schedule enhancement to support the goal of opening the new facilities to traffic in 2014 within the available budget.
- **Environmental Stewardship** – Meet or exceed all Project requirements related to the protection and enhancement of the environment. This goal includes effective reductions in temporary and permanent noise impacts, minimize construction impacts and maximize enhancements to streams and riparian areas, and provide an aesthetically compatible corridor to the local communities.
- **Maximize Opportunities for Positive Community Involvement and Interaction** – Work with WSDOT to engage in effective communications, public outreach and community involvement to address Project impacts on, and opportunities for; individuals, businesses, neighborhoods, and other stakeholders.

2.8 Status of NEPA Review

WSDOT issued an Environmental Assessment (EA) for the Project, in compliance with the National Environmental Policy Act (NEPA), on November 16, 2009. The NEPA process is expected to be complete prior to the date scheduled for issuing the RFP. In the event the NEPA process is not complete prior to the date scheduled for issuing the RFP, WSDOT will evaluate the delay and proceed in compliance with the NEPA regulations and the federal design-build rule 23 CFR §636.

3.0 Project Scope of Work

The following Project scope is provided to Submitters to assist in developing a team with the expertise that is required for the Project. The Submitter shall be responsible for management, design, and construction of the Project. The design and construction by the Submitter shall be in accordance with applicable guidelines and standards as required by the RFP. It is WSDOT's intent to allow flexibility in design and construction to accommodate processes, procedures, and innovative techniques that are preferred by the Submitter, as long as they are consistent with site conditions; good engineering practices; the environmental decisions documents and permits; other standards, guidelines, and procedures identified in the RFP; and WSDOT's Project Goals. The scope of work for the Project as presented in this RFQ may or may not be the final scope of work for the Project.

The Submitter shall consider WSDOT's desire for key members of the Project to co-locate, with enough space for WSDOT representatives to work and attend Project meetings. Specifics of these requirements will be further identified during the RFP phase.

The Project requires design and construction of improvements to approximately 2.5 miles of SR 520, including the following major elements:

- Reconstruction and reconfiguration of SR 520 from the east shore of Lake Washington at MP 3.98 to 108th Avenue NE at MP 6.43;
- Median transit stops near Evergreen Point Road (vicinity MP 4.25) and at 92nd Avenue NE (vicinity MP 5.17);
- Direct access ramps for transit and HOV lanes to/from the mainline HOV lanes at 108th Avenue NE;
- Reconstruction of interchanges at 84th Avenue NE, 92nd Avenue NE, Bellevue Way NE, and 108th Avenue NE to accommodate transit and HOV;
- Shared-use bicycle/pedestrian trails;
- Landscaped structural lids at Evergreen Point Road, 84th Avenue NE, and 92nd Avenue NE interchanges;
- Storm water treatment and detention facilities to meet current standards;
- Fish passage improvements, including several culvert replacements and stream restoration.

In addition, the Project may require the Design Build team to provide other project development tasks such as acquiring additional right of way, obtaining any and all remaining permits and other functions necessary to complete the project.

WSDOT intends to select a single Design-Build (DB) team to complete this work. The successful team shall demonstrate the ability and capacity to deliver the Project.

3.1 Estimated Cost

The estimated contract price is approximately \$325,000,000 to 425,000,000. Project funding is anticipated to be a combination of federal and state funds. Given the revenue sources, the Project may be subjected to a maximum rate of payment provision.

3.2 Estimated Time for Completion

The Project Components shall have different milestones for substantial completion, as shown in the table below. All work for a component shall be substantially complete by the date indicated.

Table 2– Substantial Completion Dates

Component	Work Substantially Complete
Corridor Improvements	June 2014

4.0 Teaming Parameters

Submitters shall satisfy all requirements specified in this RFQ. Failure of the Submitter to meet these requirements may result in rejection of the SOQ.

4.1 Major Participant

As used herein, the term “Major Participant” means any of the following entities:

- a. The Submitter, or if the Submitter is a partnership, joint-venture, limited liability company or other form of association, any general partners, joint-venture members or members of the Submitter team;
- b. Any Architectural or Engineering firm(s) or individual(s) identified in the SOQ designated to perform design work or other work in a professional capacity;
- c. Any Construction/Subcontractor firm(s) or individual(s) identified in the SOQ to perform contract work; and
- d. Any lower-tier subcontractor identified in the SOQ, to perform construction work.

4.2 WSDOT Consultant/Technical Support

WSDOT has retained the consulting firms of HDR Inc., Parametrix Inc., Shannon & Wilson Inc., Cherry Creek Environmental Inc., VIA Architecture, and EnviroIssues to provide assistance in developing the Project Conceptual Plans, Cost Estimate, Request for Qualifications, and Request for Proposals. Each of these firms is prohibited from joining any Design-Build team or otherwise assisting any Design-Build team in connection with the procurement process.

4.3 Organizational Conflicts of Interest

Organizational conflict of interest means that because of other activities or relationships with other persons or entities, a person or entity:

1. Is unable or potentially unable to render impartial assistance or advice to WSDOT; or
2. Is or might be otherwise impaired in its objectivity in performing the contract work; or
3. Has an unfair competitive advantage.

The integrated nature of the design-build project delivery method creates the potential for organizational conflicts of interest. Disclosure, evaluation, neutralization, and management of these conflicts and of the appearance of conflicts is in the interests of the public, WSDOT, and the consulting and construction communities.

WSDOT will take steps to ensure that individuals involved in the preparation of the NEPA documentation, procurement package, evaluation of SOQ's and Proposals, and Design-Builder selection are not influenced by organizational conflicts of interest, and that no Submitter is given an unfair competitive advantage over another.

Attention is directed to the requirement for disclosure of organizational conflicts of interest set forth in 23 CFR Section 636.116(a)(2), WSDOT Secretary's Executive Order E-1059.00, and WSDOT Organizational Conflicts of Interest Manual 3043.

Submitters are required to disclose all relevant facts concerning any past, present or currently planned interests, activities, or relationships which may present an organizational conflict of interest. Submitters shall state how their interests, activities, or relationships, or those of the chief executives, directors, key project personnel, or any proposed Consultant, Sub-Consultant at any tier, Contractor, or Subcontractor at any tier may result, or could be viewed as, an organizational conflicts of interest prior to or in the SOQ, in accordance with Secretary's Executive Order E-1059.00 and WSDOT Organizational Conflicts of Interest Manual (M 3043). Submit the Organizational Conflict of Interest Certification and Organizational Conflict of Interest Disclosure and Avoidance/Neutralization Plans (forms contained in Appendix B1 and B2) as described elsewhere in this RFQ.

If an Organizational Conflict of Interest is determined to exist, WSDOT may, at its sole discretion: offer the Submitter the opportunity to avoid or neutralize the Organizational Conflict of Interest; disqualify the Submitter from further participation in the procurement; cancel this procurement; or, if award has already occurred, declare the proposal non-responsive and award the contract to the next responsive best value Proposer, or cancel the Contract. If the Submitter was aware of an Organizational Conflict of Interest prior to award of a Contract and did not disclose the conflict to WSDOT, WSDOT may terminate the Contract for default.

4.4 Team Continuity and Changes to Organizational Structure

Following submittal of the SOQ, any Major Participants identified in the SOQ may not at any time be removed, replaced, have a change in equity position, modified level of authority, or added without the written approval of WSDOT's Technical Point of Contact. A Submitter may be released from the short-list if any change of Major Participant status occurs without prior written WSDOT approval. To qualify for said approval, the written request shall document that the proposed removal, replacement, change in equity position or addition will be equal to or better qualified than proposed in the SOQ.

4.5 Equal Employment Opportunity

Discrimination in all phases of contracted employment, consultant activities, contracting activities and training is prohibited by Title VI of the Civil Rights Act of 1964, Section 162(a) of the Federal-Aid Highway Act of 1973, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Justice System Improvement Act of 1979, the Americans with Disabilities Act of 1990, the Civil Rights Restoration Act of 1987, 49 CFR Part 21, the Washington State Law Against Discrimination, RCW 49.60, and other related laws and statutes. The referenced legal citations establish the minimum requirements for affirmative action efforts and define the basic nondiscrimination provisions as required by this RFQ. Further requirements and discussions regarding Equal Employment Opportunity policies at all contracting levels will be set forth in the RFP.

4.6 Persons with Disabilities or Hearing Impairment

Persons with disabilities may request information contained within this RFQ to be prepared and supplied in alternate formats by calling collect 206-389-2839. Persons with hearing impairments may call 1-800- 833-6388 (Washington State Telecommunications Relay Service) and ask for 206-515-3683.

4.7 Disadvantaged, Minority and Women-Owned Business Enterprise Participation

WSDOT encourages participation in all of its contracts by Disadvantaged, Minority and Women-Owned Business Enterprises (D/M/WBE) as certified by the WSDOT Office of Minority and Women's Business Enterprises (OMWBE) and defined in WAC 326-02-030. Details of the D/M/WBE program will be provided in the RFP.

The Disadvantaged Business Enterprise (DBE) requirements of 49 CFR Part 26 apply to this contract. The DBE goal will be provided in the RFP. This goal will be a condition of award, and the successful Submitter will need to meet or provide documentation of good faith effort to meet the DBE requirements.

Proposers may contact OMWBE to obtain information on certified D/M/WBE firms at (360) 753-9693.

4.8 Training

The successful Submitter shall provide on-the-job training aimed at developing trainees to journeyman status in the trades involved. Details of the training program and the required number of training hours will be provided in the RFP.

4.9 Apprentice Utilization

The Design-Builder shall comply with an apprentice utilization requirement. It is anticipated that no less than 15.0% of project labor hours shall be performed by apprentices. Details of the apprentice utilization program will be provided in the RFP.

5.0 SOQ Submittal Instructions and Format

This section describes requirements that all Submitters must satisfy in submitting SOQs. Failure of any Submitter to follow these requirements may result in rejection of its SOQ.

5.1 Due Date, Time, and Location

Sealed SOQs are to be received at one of the following locations prior to **4:00 p.m., Pacific Time**, on the date identified as the "SOQ Due Date" in the procurement schedule shown on Table 1 in Section 2.1 of this RFQ:

- **Via U.S. Mail:** WSDOT will consider notification of bid receipt by the Mail Room as the actual receipt of the SOQ:

Mr. Dave Mariman
Washington State Department of Transportation
P. O. Box 47360
Olympia, WA 98504-7360

- **Via Courier or Hand-Delivered:** SOQs delivered in person will be received only in the Contract Ad & Award Office, Room SA19.

Washington State Department of Transportation
 Contract Ad & Award Office
 Transportation Building, Room SA19
 310 Maple Park Ave. SE
 Olympia, WA 98504-7360

WSDOT will not accept SOQs by facsimile or electronic transmission. Any SOQ that fails to meet the deadline or delivery requirement will be rejected and returned to the Submitter without having been opened, considered or evaluated.

5.2 SOQ Organization

The Submitter shall organize the SOQ using the following section headings, order of documents, and maximum number of pages:

Table 3– SOQ Organization

Section	Section Title and Required Information	Maximum Pages
1	Letter of Interest	
	Address the requirements of Section 6.1.	3
2	Project Team Organization	
	Address the requirements of Section 6.2 and each of the Qualifications Categories as described in Sections 7.3.1.1 through 7.3.1.3.	10
3	Project Manager	
	Address the requirements of Section 6.3 and each of the Qualifications Categories as described in Sections 7.3.1.1 through 7.3.1.3.	10
4	Construction Management Team	
	Address the requirements of Section 6.4 and each of the Qualifications Categories as described in Sections 7.3.1.1 through 7.3.1.3.	10
5	Project Development Management Team	

Section	Section Title and Required Information	Maximum Pages
	Address the requirements of Section 6.5 and each of the Qualifications Categories as described in Sections 7.3.1.1 through 7.3.1.3.	10
	Total maximum number of pages	43
	Appendices	
Appendix A	Form A, Acknowledgment of Receipt of Addenda.	1
Appendix B	Financial information: Include surety letters, history of bonding companies.	As required
Appendix C	Conflicts of Interest Forms.	As required
Appendix D	Legal structure and supporting documents. If a joint-venture, include statement of joint and severable liability.	As required
Appendix E	Resumes (limit 2 pages per person). Project Reference Information.	As required

5.3 SOQ Format

- **Language:** All information shall be in English.
- **Type Font:** All narrative text shall be in a regular Arial style font at a minimum of 12 points in size, and single-spaced. The type style and size of headings and figures are not prescribed.
- **Photos:** No photos will be allowed except on the cover of the submittal.
- **Page Size:** Except for charts, exhibits and other illustrative and graphical information, all information shall be printed on 8.5-inch x 11-inch recycled or recyclable paper. Charts, exhibits and other illustrative and graphical information may be on 11-inch x 17-inch paper, but shall be folded to 8.5-inch x 11-inch and will be counted as one sheet.
- **Page Margins:** No text, tables, figures, or other substantive content shall be printed within 0.75 inch of any page edge.
- **Page Limit:** Page limits are described in Section 5.2 of this RFQ. The submittal shall only include information required by this RFQ. No other information will be considered in the evaluation of the SOQs.
- **Dividers:** Section dividers shall contain the section number and/or section title. No other text is permitted on the dividers. The dividers will not be counted toward the allowable page total.
- **Binding:** Each copy of the SOQ shall be bound separately.

- **Front Cover:** The front cover of each SOQ shall be labeled with the Submitter's name, address, and phone number, along with the following language: "Statement of Qualifications, SR 520 Eastside Transit and HOV Project, [date of submittal]" and SOQ due date.

Failure to comply with these requirements may result in rejection of the SOQ.

5.4 SOQ Submittal Quantities

Each Submitter must provide WSDOT with:

- **One (1) original unbound SOQ** bearing original signatures;
- **One electronic copy of the SOQ in PDF (Adobe Acrobat version 8 or higher) format on a CD** with the sections and subsections bookmarked; and
- **Twelve (12) bound hard copies** of the SOQ.

The original shall be identified as the original on its front cover in colored ink. Each copy shall be identified on its front cover, in the upper right-hand corner, as "Copy X of 12 Copies."

The unbound original, the bound copies, and the CD shall be packed together in one sealed package for delivery to WSDOT. The outside of the sealed package shall be clearly identified, labeled, and addressed with the following:

- **Return address:** Submitter's name, contact person's name, mailing address, and phone number;
- **Date of submittal** and SOQ due date;
- **Contents labeled** as "Statement of Qualifications, *SR 520 Eastside Transit and HOV Project*;" and
- **Addressed to WSDOT's Contract Ad & Award Office**, as identified in Section 5.1.

6.0 SOQ Content

The SOQ shall include the information specified below.

6.1 SOQ Section 1: Letter of Interest

The SOQ shall include a Letter of Interest that includes the business name, address, business type (e.g. corporation, partnership, joint-venture), or anticipated business type of the Submitter. It shall also include the business name, address, business type and roles of each Major Participant. The Letter of Interest shall identify the Submitter's single Point of Contact, along with the other information identified in Section 2.2.1. The Letter of Interest should provide an overview of SOQ Sections 2 through 5.

The Letter of Interest shall be signed by an authorized representative(s) of the Submitter. The letter shall certify the truth and correctness of the contents of the SOQ. This information will be used to identify the Submitter and its designated contact, and will be evaluated on a pass/fail basis only; however, information may be used to support the evaluation of other sections.

In addition to the contact information above, the Letter of Interest shall contain the following information:

- The Submitter's expression of interest in being selected for the Project;

- A statement that the Submitter shall comply with all applicable federal, state, and local laws and regulations;
- A summary of the Submitter's qualifications, why its team should be selected, and why it is the best qualified to meet the Project Goals.

The Letter of Interest shall be addressed to the WSDOT Point of Contact identified in Section 2.2.1 of this RFQ.

6.2 SOQ Section 2: Project Team Organization

Provide a narrative that describes the legal structure of the team as proposed, including which firms are equity members and their percentage of equity and the proposed team's collective and individual experience in similar projects and how the teaming structure would benefit the owner. The Submitter will explain the team's structure and show clear organizational channels of control, communication, and decision making. This section should include the names, titles, and roles of Major Participants for the Project.

The narrative should also describe how the team as proposed, has been successful on past projects involving multiple equity members. Include examples of how individual equity members have demonstrated success delivering projects to the owner's satisfaction. Indicate any experiences that the collective team or individual team members have had managing changes to equity positions during a contract.

Based upon the team as proposed, please provide examples and project references of demonstrated success with Design Build projects, Public Works projects and projects that include or incorporate performance based Urban Design Guidelines and functional transit specific features.

Project reference information shall include starting date and completion date or anticipated completion date; contractor or design firm being referenced; budget; type of contract (design-build or design-bid-build); and references (project owner name, e-mail address, and phone number). All references for the personnel and projects should identify the owner representative who is familiar with the project and personnel that could best answer project specific questions. Project reference information shall be attached as Appendix E to the SOQ.

6.3 SOQ Section 3: Project Manager

Provide a narrative that describes the level of authority the proposed Project Manager will have to make decisions on contract issues, selection of sub contractors and consultants. Include in the narrative, the name of the proposed Project Manager and provide a brief narrative that describes the individual's experience and how those experiences will benefit the owner and ultimately lead to the success of this project.

Please provide examples and project references of demonstrated success the Project Manager has had with Design Build projects, Public Works projects and projects that include or incorporate performance based Urban Design Guidelines and functional transit specific features. Resumes shall be attached as Appendix E to the SOQ.

Project reference information shall include starting date and completion date or anticipated completion date; contractor or design firm being referenced; budget; type of contract (design-build or design-bid-build); and references (project owner name, e-mail address, and phone number). All references for the personnel and projects should identify the owner representative who is familiar with the project and personnel that could best answer project specific questions. Project reference information shall be attached as Appendix E to the SOQ.

6.4 SOQ Section 4: Construction Management Team

Provide a narrative that describes the Construction Management Team, in terms of individuals or positions and the reporting structure necessary to be successful in the construction of this project to the satisfaction of the owner. Include the experiences of individuals in similar projects, operating under similar organizational structure, including the integration of self-perform work by multiple equity members. Also include relevant experiences on the development and implementation of a comprehensive self-administered QA/QC program and how changes and non-conforming conditions were coordinated with the Engineer of Record.

Please provide examples and project references of demonstrated success the Construction Management Team, either collectively or individually, under similar organizational structure, has on Design Build projects, Public Works projects and projects that include or incorporate performance based Urban Design Guidelines and functional transit specific features. Resumes shall be attached as Appendix E to the SOQ.

Project reference information shall include starting date and completion date or anticipated completion date; contractor or design firm being referenced; budget; type of contract (design-build or design-bid-build); and references (project owner name, e-mail address, and phone number). All references for the personnel and projects should identify the owner representative who is familiar with the project and personnel that could best answer project specific questions. Project reference information shall be attached as Appendix E to the SOQ.

6.5 SOQ Section 5: Project Development Management Team

Provide a narrative that describes the Project Development Management Team, in terms of individuals or positions and the reporting structure necessary to be successful in the delivery of professional services required on this project, to the satisfaction of the owner. Include the Multi disciplinary experiences of the collective team or individuals in similar projects, operating under similar organizational structure, including management of Regulatory Permits, Acquisition of Rights of Way, and Public Involvement. Also include relevant experiences on the development and implementation of a comprehensive self-administered QA/QC program and how changes and non-conforming construction activities were coordinated with the Plan of Record.

Please provide examples and project references of demonstrated success the Project Development Management Team, either collectively or individually, under similar organizational structure, has on Design Build projects, Public Works projects and projects that include or incorporate performance based Urban Design Guidelines and functional transit specific features. Resumes shall be attached as Appendix E to the SOQ.

Project reference information shall include starting date and completion date or anticipated completion date; contractor or design firm being referenced; budget; type of contract (design-build or design-bid-build); and references (project owner name, e-mail address, and phone number). All references for the personnel and projects should identify the owner representative who is familiar with the project and personnel that could best answer project specific questions. Project reference information shall be attached as Appendix E to the SOQ.

6.6 SOQ Appendix A: Forms

Include Form A, Acknowledgement of Receipt of Addenda, included in this RFQ in Appendix A.

6.7 SOQ Appendix B: Financial Information

The Submitter shall provide a letter from a surety or insurance company stating whether or not the Submitter is capable of obtaining a Proposal bond and a Performance and Payment bond as indicated in Table 4 below:

Table 4– Proposal, Performance and Payment Bond Requirements

Proposal Bond	Performance and Payment Bond (One bond covering both)
5% of contract amount	**\$425,000,000
**The identified amount is for RFQ purposes only, based on the current engineer's estimate. The actual amount of the performance and payment bond required by the Contract will be equal to the full contract price.	

A performance and payment bond is a surety bond furnished by the Design-Builder and Design-Builder's surety that guarantees performance of the work and payment to laborers, mechanics, subcontractors, and materials suppliers in accordance with Washington law. Letters indicating "unlimited" bonding capability are not acceptable. The surety or insurance company providing such letter must have a Best's rating of at least "A" or better and Financial Size Category of VIII or better by A.M. Best Co. The Surety shall be registered with the Washington State Insurance Commissioner and appear on the current Authorized Insurance List in the State of Washington published by the Office of the Insurance Commissioner.

6.8 SOQ Appendix C: Conflict of Interest Forms

The Submitter shall include any organizational conflict of interest information required by Section 4.3.

6.9 SOQ Appendix D: Legal Information

The Submitter shall describe how it is organized as a legal entity. If the Submitter's legal entity has already been formed, the Submitter shall provide complete copies of the organizational documents along with those documents that allow, or would allow by the Proposal due date, the Submitter and its team members to conduct business in the State of Washington as a legal entity. If the Submitter's legal entity has not yet been formed, the Submitter shall provide a brief description of the proposed legal structure and provide draft/final copies of the underlying agreements. Once the legal entity is finalized, the Submitter shall either supplement its SOQ with copies of the final organizational documents or submit such documents with the Proposal. Failure to submit such final organizational documents to WSDOT either prior to the Proposal due date or with the Proposal shall render the Proposal non-responsive.

If the Submitter is a joint-venture, limited liability company, partnership, or other association, the Submitter shall provide an express statement from each of the partners/members as to their joint and severable liability on the Project.

7.0 Evaluation Process

This section outlines the scoring WSDOT will use for the RFQ phase of the procurement. If the information provided for an evaluation factor is not complete, then the Submitter may be eliminated from further consideration.

7.1 Evaluation of the SOQ

WSDOT will evaluate each SOQ submitted by the individual Submitters as described in Sections 5 and 6 of this RFQ, in conjunction with the WSDOT Core Values and Project Goals as described in Section 2.7, all together representing the Project needs, and scoring criteria as listed in Section 7.3 for determining the SOQ total score.

The qualitative evaluation score will be determined as follows:

- The WSDOT evaluation committee will review each SOQ identifying significant and minor strengths, and significant and minor weaknesses of the Submittals. If no or insufficient information is provided on any scored element, the element will not receive a score and will be determined to have a value of zero.
- If, during the evaluation process, the WSDOT evaluation committee concludes that the information in all of the SOQs meets expectations, without identifying strengths or weakness', WSDOT may determine all Submitters to be qualified without providing a score.

Strengths and weaknesses are defined as follows:

- Strengths – That part of the SOQ which ultimately represents a benefit to the Project and is expected to increase the Submitter's ability to meet or exceed the Project needs. A minor strength has a slight positive influence on the Submitter's ability, while a significant strength has a considerable positive influence on the Submitter's ability to exceed the Project needs.
- Weaknesses – That part of the SOQ which detracts from the Submitter's ability to meet the Project requirements or may result in an inefficient or ineffective performance. A minor weakness has a slight negative influence, while a significant weakness has a considerable negative influence on the Submitter's ability to meet the Project requirements.

Based on the identified strengths and weaknesses, the evaluation team will select an adjectival rating and select a percent of maximum score in the identified range.

The following **adjectival rating system** will be used in determining the value for each Scoring Element of the SOQ:

- **Excellent (81-100 % of points possible):** The SOQ submitted by the proposed team is considered to significantly exceed the RFQ requirements/objectives in a beneficial way (providing advantages, benefits, or added value to the Project) and provides a consistently outstanding level of competency. In order for the SOQ submitted by the proposed team to meet the minimum criteria to be scored as Excellent, it must be determined to have more than one significant strength, additional minor strengths and no appreciable weaknesses. The minimum score for Excellent is 81 percent of points possible. The greater the significance of the strengths and/or the number of strengths will result in a higher score, up to a maximum of 100 percent of points possible. There is virtually no risk that the team, as proposed, would be unsuccessful in delivering the Project to the owner's satisfaction, and would most likely exceed all Project Goals.
- **Very Good (61-80 % of points possible):** The SOQ submitted by the proposed team is considered to exceed the RFQ requirements/objectives in a beneficial way (providing advantages, benefits, or added value to the Project) and offers a generally better than acceptable competency. In order for the SOQ submitted by the proposed team to meet the minimum criteria for consideration to be scored as Very Good, it must be determined

to have at least one significant strength, additional minor strengths and no significant weaknesses. The minimum score for Very Good is 61 percent of points possible. The greater the significance of the strengths and/or the number of strengths, and the fewer the minor weakness will result in a higher score, up to a maximum of 80 percent of points possible. There is little risk that the team, as proposed, would be unsuccessful in delivering the Project to the owner's satisfaction, and will most likely meet and/or exceed all Project Goals.

- **Good (41-60 % of points possible):** The SOQ submitted by the proposed team is considered to meet the RFQ requirements/objectives and offers an acceptable level of competency. In order for the SOQ submitted by the proposed team to meet the minimum criteria for consideration to be scored as Good, it must be determined to have several strength(s), even though minor and/or significant weaknesses exist. The minimum score for Good is 41 percent of points possible. The greater the significance of the strengths and/or the number of strengths, and the fewer the minor or significant weakness will result in a higher score, up to a maximum of 60 percent of points possible. It is expected that the team as proposed, will be able to deliver the Project and meet the Project Goals.
- **Fair (21-40 % of points possible):** The SOQ submitted by the proposed team is considered to contain several minor and/or significant weaknesses, some minor strengths and no significant strengths. The minimum score for fair is 21 percent of points possible. The greater the strengths and fewer the minor or significant weaknesses will result in a higher score, up to a maximum of 40 percent of points possible. It is expected that the team as proposed, should be able to deliver the Project but may not be able to meet some of the Project Goals.
- **Poor (0-20 % of points possible):** The SOQ submitted by the proposed team is considered to contain significant weaknesses and no appreciable strengths. The SOQ submitted by the proposed team demonstrates a doubtful probability of meeting the RFQ requirements and may be determined to be non-responsive. The minimum score for Poor is 0 percent of points possible. The fewer the minor or significant weaknesses will result in a higher score, up to a maximum of 20 percent of points possible. It is unlikely that the team as proposed would be able to deliver the Project to the owner's satisfaction.

After selecting a percent of maximum score for SOQ Sections 2 through 5 the SOQ score will be calculated by multiplying the percent of maximum score by the points available listed in Table 5 Section 7.3 and then summing the calculated scores.

7.2 Pass/Fail Evaluation Factors

If a Submitter receives a "pass" on all pass/fail evaluation factors, its SOQ will be further evaluated using the ranked criteria. If a Submitter fails on any single pass/fail requirement, the SOQ may be rated as unacceptable, the ranked evaluation factors may not be scored, and the Submitter may not be included on the short list.

7.2.1 SOQ Section 1. Letter of Interest (Pass/Fail)

- Submitter's name, address and business type (e.g. corporation, partnership, joint-venture);
- Name, address, business type and roles of each Major Participant on the Submitter's team;
- Single Point of Contact; address; telephone and fax numbers; and e-mail;
- Overview of SOQ Section 2 through Section 5;

- Signature of an authorized representative(s);
- Certification of the truth and correctness of the SOQ;
- Statement of Submitter's expression of interest in being selected for the Project;
- Statement that the Submitter shall comply with all applicable federal, state and local laws and regulations; and
- Summary of the Submitter's qualifications.

7.2.2 SOQ Appendix A. Forms (Pass/Fail)

- Form A, Acknowledgement of Receipt of Addenda.

7.2.3 SOQ Appendix B. Financial Information (Pass/Fail)

- Surety (bonding) letter(s) that meet requirements.

7.2.4 SOQ Appendix C. Conflict of Interest Forms (Pass/Fail)

- Organizational conflicts of interest information.

7.2.5 SOQ Appendix D. Legal Information (Pass/Fail)

- Legal structure documentation.
- Statement addressing joint and several liability.

7.3 Qualifications Category and Scoring Element Evaluation

Numerical scores will be assigned by a WSDOT Evaluation Committee to the three Qualifications Categories below (Sections 7.3.1.1 through 7.3.1.3) and for each of the Scoring Elements (Sections 7.3.2.1 to 7.3.2.4) as shown in Table 5 below.

A summary of the points for the sections is as follows:

Table 5– Qualifications Scoring Element Evaluation

Scoring Element	Qualifications Category			
	Design-Build Experience	Management of Public Works Projects	Transit and Urban Design	Total Score
Project Team Organization	0-100	0-75	0-100	0-275
Project Manager	0-100	0-75	0-75	0-250
Construction Management Team	0-100	0-75	0-50	0-225
Project Development Management Team	0-100	0-50	0-100	0-250
Total Score	0-400	0-275	0-325	0-1000

7.3.1 Qualifications Categories

In the following sections, the bulleted items are listed in descending order of importance where scoring is applicable.

7.3.1.1 Design-Build Experience

- Design-build project of a similar nature in an urban environment.
- Management and mitigation of identified project risks to the benefit of the owner.
- Demonstrated ability to successfully manage a self directed QA/QC program to the owner's satisfaction.
- Communications – community relationships and outreach to interrelated or neighboring projects.

7.3.1.2 Management of Public Works Projects

- Cost efficiency and schedule enhancement and/or recovery by use of innovation.
- Working with the Owner in a collaborative fashion to resolve issues in a timely manner.
- Collaborative enhancement of environmentally sensitive areas with resource agencies, local jurisdictions and other 3rd party members.
- Effective project staging to limit impacts to the public.

7.3.1.3 Transit and Urban Design

- Incorporating Urban Design Guidelines into a comparable project, to the owner's satisfaction.
- Incorporating Architectural elements into a project, similar in scope, that met the aesthetic and operational expectation of the owner.
- Constructively integrate public input in the completion of a context sensitive project.

7.3.2 Scoring Elements

In the following sections, the bulleted items are listed in descending order of importance where scoring is applicable.

7.3.2.1 Project Team Organization

- Team experience with the successful integration of multiple equity members.
- Individual experience of each equity member in a similar organizational role.
- Experience of effectively managing changes in Team Organization during the progress of the project.

7.3.2.2 Project Manager

- The level of authority to make decisions on contract issues, selection of sub contractors and consultants.
- Experience in a similar role of authority.
- Experience as a Project Manager throughout the entire duration of a similar project.

7.3.2.3 Construction Management Team

- Experience of the Construction Management Team operating under similar Project Team Organization completing similar projects to the owner's satisfaction.
- Experience of the Construction Management Team, integrating self-perform work from multiple equity members, sub contractors and consultants.
- Experience of the Construction Management Team in the successful delivery of a project utilizing a self directed QC/QA program.
- Experience of the Construction Management Team integrating the Engineer of Record in field changes and non-conforming conditions.

7.3.2.4 Project Development Management Team

- Experience of the Project Development Management Team operating under similar Project Team Organization completing projects to the owner's satisfaction.
- Experience of the Project Development Management Team in developing a comprehensive self directed QC/QA program, including changes based upon field conditions and non-conforming conditions during construction.
- Multi disciplinary experience of the Project Development Management Team, including management of Regulatory Permits, acquisition of Rights of Way, and Public Involvement.

8.0 Protest Procedures

This section sets forth the exclusive protest remedies available with respect to this RFQ. Each Submitter, by submitting its SOQ, expressly recognizes the limitation on its rights to protest contained herein, expressly waives all other rights and remedies and agrees that the decision on any protest, as provided herein, shall be final and conclusive unless arbitrary and capricious. These provisions are included in this RFQ expressly in consideration for such waiver and agreement by the Submitter. Such waiver and agreement by each Submitter are also consideration to each of the other Submitters for making the same waiver and agreement.

8.1 Protests Regarding RFQ

Submitter may protest the terms of this RFQ prior to the time for submission of SOQs on the grounds that (a) a material provision in this RFQ is ambiguous, (b) any aspect of the procurement process described herein is contrary to legal requirements applicable to this procurement, or (c) this RFQ in whole or in part exceeds the authority of WSDOT. Protests regarding this RFQ shall be filed only after the Submitter has informally discussed the nature and basis of the protest with the WSDOT Project Engineer in an effort to remove the grounds for protest.

Protests regarding this RFQ shall completely and succinctly state the grounds for protest and shall include all factual and legal documentation in sufficient detail to establish the merits of the protest. Evidentiary statements, if any, shall be submitted under penalty of perjury.

Protests regarding this RFQ shall be filed as soon as the basis for protest is known to the Submitter, but in any event it must be actually received no later than ten Calendar Days before the SOQ due date, provided that protests regarding an addendum to this RFQ shall be filed and actually received by WSDOT no later than five Calendar Days after the addendum to this RFQ is issued (or no later than the SOQ due date, if earlier).

Protests regarding this RFQ shall be filed in writing by hand delivery or courier to the Protest Official with a copy to the WSDOT Project Engineer. The Protest Official is identified as:

Dave Mariman
Contract Ad & Award Office
Washington State Department of Transportation
P.O. Box 47360
Olympia, WA 98504-7360
MarimaD@wsdot.wa.gov

WSDOT will distribute copies of the protest to the other Submitters and may, but need not, request other Submitters to submit statements or arguments regarding the protest and may, in its sole discretion, discuss the protest with the protesting Submitter. If other Submitters are requested to submit statements or arguments, they may file a statement in support of or in opposition to the protest within seven Calendar Days of the request.

The protesting Submitter shall have the burden of proving its protest by clear and convincing evidence. No hearing will be held on the protest. The Protest Official or their designee will decide the protest on the basis of the written submissions. WSDOT will furnish copies of the decision in writing to each Submitter. The decision shall be final and conclusive. If necessary, to address the issues raised in the protest, WSDOT will make appropriate revisions to this RFQ by issuing addenda. If necessary, WSDOT may at its sole discretion extend the SOQ due date to address any protest issues. Each party shall bear its own attorney fees and legal costs that may result from the protest.

The failure of a Submitter to raise the grounds for a protest regarding this RFQ within the applicable period shall constitute an unconditional waiver of the right to protest the terms of this RFQ and shall preclude consideration of that ground in any protest of qualification of a Submitter, unless such ground was not, and could not, have been known to the Submitter in time to protest prior to the final date for such protests.

8.2 Protests Regarding Responsiveness and Short-listing

A Submitter may protest the results of the above-described evaluation and qualification process by filing a notice of protest by hand delivery or courier to the Protest Official. The protesting Submitter shall concurrently file a copy of its notice of protest with the other Submitters. The notice of protest shall specifically state the grounds of the protest.

Notice of protest of any decision to accept or disqualify an SOQ on responsiveness grounds must be filed within fourteen Calendar Days after the earliest to occur of:

- (a) notification of non-responsiveness,
- (b) the scheduled date for oral meetings and presentations (if any), or
- (c) the public announcement of short-listed Submitters.

Notice of protest of the decision on short-listed Submitters must be filed and actually received by the Protest Official within fourteen Calendar Days after the public announcement of the short-listed Submitters.

Within seven Calendar Days of the notice of protest, the protesting Submitter must file with the Protest Official a detailed statement of the grounds, facts, and legal authorities, including all documents and evidentiary statements, in support of the protest. The protesting Submitter shall concurrently deliver a copy of the detailed statement to all other Submitters. Evidentiary statements, if any, shall be submitted under penalty of perjury. The protesting Submitter shall have the burden of proving its protest by clear and convincing evidence.

Failure to file a notice of protest or a detailed statement within the applicable period shall constitute an unconditional waiver of the right to protest the evaluation or short-listing process and decisions hereunder, other than any protest based on facts not reasonably ascertainable as of such date.

Other Submitters may file by hand delivery to the Protest Official a statement in support of or in opposition to the protest. Such statement must be filed within seven Calendar Days after the protesting Submitter files its detailed statement of protest. WSDOT will promptly forward copies of any such statements to the protesting Submitter.

Unless otherwise required by law, no evidentiary hearing or oral argument shall be provided, except, in the sole and absolute discretion of the Protest Official, or their designee, a hearing or argument may be permitted, if necessary, for protection of the public interest or an expressed, legally recognized interest of a Submitter or WSDOT. The Protest Official, or their designee, shall issue a written decision regarding the protest within fourteen Calendar Days after the Protest Official receives the detailed statement of protest. Such decision shall be final and conclusive. The Protest Official, or their designee, shall deliver the written decision to the protesting Submitter and copies to the other Submitters.

If a notice of protest regarding responsiveness is filed prior to the oral presentation process (if any), WSDOT may proceed with the oral presentation process and may short-list Submitters before the protest is withdrawn or decided, unless the Protest Official, or his designee, determines, in their sole discretion, that it is in the public interest to postpone the qualification

1 prior to a decision. Such a determination shall be in writing and shall state the facts on which it
2 is based.

3 If the Protest Official, or his designee, concludes that the Submitter filing the protest has
4 established a basis for protest, the Protest Official, or his designee, will determine what remedial
5 steps, if any, are necessary or appropriate to address the issue raised in the protest. Such steps
6 may include, without limitation, submitting the issue to WSDOT's selection committee to
7 determine whether the list of Submitters selected to submit proposals should be revised,
8 withdrawing or revising the decisions, cancelling this RFQ and issuing a new RFQ, or taking
9 other appropriate actions.

10 If the protest is denied, the protesting Submitter may seek judicial review of WSDOT's decision
11 in Thurston County Superior Court within seven Calendar Days of receiving WSDOT's decision
12 denying the protest. Each party shall bear its own attorney fees, expert witness fees, and all
13 other legal costs.

14 **8.3 Costs and Damages**

15 WSDOT shall not be liable for damages to the Submitter filing the protest or to any participant
16 in the protest, on any basis, express or implied.

Appendix A

FORM A***ACKNOWLEDGMENT OF RECEIPT OF ADDENDA***
(To be included in Appendix A of the SOQ)

(Name of Submitter _____)

We hereby acknowledge receipt of the "SR 520 Eastside Transit and HOV Project" RFQ dated April 12, 2010, and subsequent addenda and responses to questions by the Washington State Department of Transportation as follows:

ADDENDUM No.**Date Issued:**

_____	_____
_____	_____
_____	_____

**Response to
Question Set No.****Date Issued:**

_____	_____
_____	_____
_____	_____

(Signed-Printed or Typed Name)_____
(Date)_____
(Title)

Appendix B1 – OCOI Disclosure Form

**Organizational Conflicts of Interest
Disclosure and Avoidance/Neutralization Plan**

This disclosure statement outlines potential organizational conflicts of interest, either real or apparent, which as a result of activities or relationships with other persons or entities, such person or entity:

1. Is unable or potentially unable to render impartial assistance or advice to WSDOT; or
2. Is or might be otherwise impaired in its objectivity in performing the contract work; or
3. Has an unfair competitive advantage.

SECTION I of this disclosure statement describes the potential Organizational Conflicts of Interest, as defined in Secretary's Executive Order E-1059.00. SECTION II of this disclosure statement describes the management plan for avoiding or neutralizing the potential Organizational Conflicts of Interest as described in SECTION I of this disclosure statement. I acknowledge that the Washington State Department of Transportation (WSDOT) may require revisions to the management plan described in SECTION II of this disclosure statement prior to approving it, and that WSDOT has the right, in its sole discretion, to limit or prohibit my involvement in the Project as a result of the potential conflicts of interest described in SECTION I of this disclosure statement.

SECTION Ia – Name of Person or Firm Potentially Conflicted

SECTION Ib – Current Project Name and Scope of Work

SECTION Ic – Future Project Name and Description of Potential Conflicts Of Interest

SECTION II - Plan for Managing Potential Conflicts Of Interest

Signed _____ Date _____

Printed Name and Title _____

